

House File 399 - Enrolled

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HOUSE FILE 399

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1 3 AN ACT
1 4 RELATING TO THE DISPOSAL OF SOLID WASTE BY PLANNING AREAS AND
1 5 RELATED SOLID WASTE MANAGEMENT PLANS AND REPORTS.
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 9 Section 1. Section 455B.305, Code 2005, is amended by
1 10 adding the following new subsection:
1 11 NEW SUBSECTION. 7. The director shall not issue or renew
1 12 a permit for a transfer station operating as part of an
1 13 agreement between two planning areas pursuant to section
1 14 455B.306, subsection 1A, until the applicant, in conjunction
1 15 with all local governments using the transfer station,
1 16 documents that alternative methods of solid waste disposal
1 17 other than final disposal in a sanitary landfill have been
1 18 implemented as set forth in the plan filed pursuant to section
1 19 455B.306.
1 20 Sec. 2. Section 455B.306, subsection 1, unnumbered
1 21 paragraph 1, Code 2005, is amended to read as follows:
1 22 A city, county, and a private agency operating or planning
1 23 to operate a sanitary disposal project shall file with the
1 24 director ~~a one of two types of comprehensive plan plans~~
1 25 detailing the method by which the city, county, or private
1 26 agency will comply with this part 1. The first type is a
1 27 comprehensive plan in which solid waste is disposed of in a
1 28 sanitary landfill within the planning area. The second type
1 29 is a comprehensive plan in which all solid waste is
1 30 consolidated at and transported from a transfer station for
1 31 disposal at a sanitary landfill in another comprehensive
1 32 planning area.
1 33 PARAGRAPH DIVIDED. All cities and counties shall also file
1 34 with the director a comprehensive plan detailing the method by
1 35 which the city or county will comply with the requirements of
2 1 section 455B.302 to establish and implement a comprehensive
2 2 solid waste reduction program for its residents.
2 3 Sec. 3. Section 455B.306, Code 2005, is amended by adding
2 4 the following new subsection:
2 5 NEW SUBSECTION. 1A. A planning area that closes all of
2 6 the municipal solid waste sanitary landfills located in the
2 7 planning area and chooses to use a municipal solid waste
2 8 sanitary landfill in another planning area that complies with
2 9 all requirements under subtitle D of the federal Resource
2 10 Conservation and Recovery Act, with all solid waste generated
2 11 within the planning area being consolidated at and transported
2 12 from a permitted transfer station, may elect to retain
2 13 autonomy as a planning area and shall not be required to join
2 14 the planning area where the landfill being used for final
2 15 disposal of solid waste is located. If a planning area makes
2 16 the election under this subsection, the planning area
2 17 receiving the solid waste from the planning area making the
2 18 election shall not be required to include the planning area
2 19 making the election in a comprehensive plan provided no
2 20 services are shared between the two planning areas other than
2 21 the acceptance of solid waste for sanitary landfill. The
2 22 planning area receiving the solid waste shall only be
2 23 responsible for the permitting, planning, and waste reduction
2 24 and diversion programs in the planning area receiving the
2 25 solid waste. If the department determines that solid waste
2 26 cannot reasonably be consolidated and transported from a
2 27 particular transfer station, the department may establish
2 28 permit conditions to address the transport and disposal of the
2 29 solid waste. An election may be made under this subsection
2 30 only if the two comprehensive planning areas enter into an
2 31 agreement pursuant to chapter 28E that includes, at a minimum,
2 32 all of the following:
2 33 a. A detailed methodology of the manner in which solid
2 34 waste will be tracked and reported between the two planning
2 35 areas.
3 1 b. A detailed methodology of the manner in which the
3 2 receiving sanitary landfill will collect, remit, and report
3 3 tonnage fees, pursuant to section 455B.310, paid by the
3 4 planning area that is transporting the solid waste. The
3 5 methodology shall include both the remittances of tonnage fees

3 6 to the state and the retained tonnage fees.

3 7 Sec. 4. Section 455B.306, subsection 6, paragraph e, Code
3 8 2005, is amended to read as follows:

3 9 e. A description of the planning area and service area to
3 10 be served by the city, county, or private agency under the
3 11 comprehensive plan. ~~A Except as provided in subsection 1A, a~~
3 12 comprehensive plan shall not include a planning area or
3 13 service area, any part of which is included in another
3 14 comprehensive plan.

3 15 Sec. 5. Section 455B.310, subsection 4, paragraph d, Code
3 16 2005, is amended to read as follows:

3 17 d. Each sanitary landfill owner or operator shall submit a
3 18 return to the department identifying the use of all fees
3 19 retained under this section including the manner in which the
3 20 fees were distributed. A planning area entering into an
3 21 agreement pursuant to section 455B.306, subsection 1A, shall
3 22 submit such information to the department and a planning area
3 23 receiving the solid waste under such an agreement shall, in
3 24 addition, submit evidence to the department demonstrating that
3 25 required retained fees were returned in a timely manner to
3 26 other planning areas under the agreement. The return shall be
3 27 submitted concurrently with the return required under
3 28 subsection 7.

3 29 Sec. 6. Section 455B.310, subsection 7, Code 2005, is
3 30 amended to read as follows:

3 31 7. Fees imposed by this section shall be paid to the
3 32 department on a quarterly basis with payment due by no more
3 33 than ninety days following the quarter during which the fees
3 34 were collected. The payment shall be accompanied by a return
3 35 which shall identify the amount of fees to be allocated to the
4 1 landfill alternative financial assistance program, the amount
4 2 of fees, in terms of cents per ton, retained for meeting waste
4 3 reduction and recycling goals under section 455D.3, and
4 4 additional fees imposed for failure to meet the twenty-five
4 5 percent waste reduction and recycling goal under section
4 6 455D.3. Sanitary landfills serving more than one planning
4 7 area shall submit separate reports for each planning area.

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CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 399, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2005

THOMAS J. VILSACK
Governor